IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR
::::

O R D E R

Central State Farm
Vs.
Industrial Tribunal & Anr.

S.B. CIVIL WRIT PETITION NO.397/2002 UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

DATE OF ORDER :: 22nd December, 2006

PRESENT

HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Mr.Anil Bhandari, Advocate for the petitioner.
Mr.Nitin Trivedi, Advocate for the respondents.

BY THE COURT

The petitioner has challenged the order dated 29th June, 2001 passed by the Industrial Tribunal-cum-Labour Court, Sri Ganganagar (for short 'labour court') whereby the application of the respondent Ram Dayal under Section 33C(2) of the

Industrial Disputes Act (for short 'the Act') was allowed and the petitioner management was directed to pay a sum of Rs.90,309/-.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner has challenged the aforesaid order on the ground that the order under Section 33C (2) could be confined only to what was allowed by the learned labour court in its award dated 30th November, 1988 whereas the learned labour court has in computing the amount payable to the respondents has wrongly held him entitled to receive increments for the period he remained reverted on the post of Field Man. Industrial dispute referred to the learned labour court for adjudication was whether the reversion of the workman from the post of Junior Agricultural Assistant to that of Field Man was legal and valid if not what relief was he entitled to.

The respondent-workman was substantively holding the post of Field Man and then he was later promoted on the post of Junior Agricultural Assistant by order dated 17th January, 1972. He was later reverted on the post of Field Man again on 15th July, 1976. Appropriate Government made their reference by notification dated 03rd December, 1977. Learned labour court by its award dated 30th November, 1988 held the reversion of the respondent as illegal. In the meantime, however respondent was promoted again on the post of Junior Agricultural Assistant by order dated 01st November, 1983. What is being objected to by the petitioner is that the learned labour court by order under Section 33C(2) could only direct payment of the arrears of salary but in doing so, it could not grant the benefit of increments for the duration of seven years when the respondent remained under reversion from 15th July, 1976 to 01st November, 1983. He was again promoted on 01st November, 1983 on substantive basis. The learned counsel for the petitioner could not point out any rule or the instructions according to which, an employee working with the organization should be denied the benefit of increment merely because the

promotion was made on ad hoc/temporary basis. He also could not point out any other illegality in the impugned order passed by the learned labour court which might constitute error on the face of record so as to require any interference by this Court.

In view considered view, the learned labour court has not committed any error of law. I therefore do not find any merit in this writ petition. The petition is therefore dismissed with no order as to costs.

[MOHAMMAD RAFIQ],J.

AKC.